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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,181	01/14/2004	Alexandre Kollep	112701-458	5601
29157	7590	07/10/2006	EXAMINER	
BELL, BOYD & LLOYD LLC			ALEXANDER, REGINALD	
P. O. BOX 1135				
CHICAGO, IL 60690-1135			ART UNIT	PAPER NUMBER
			1761	

DATE MAILED: 07/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/758,181

Applicant(s)

KOLLEP, ALEXANDRE

Examiner

Reginald L. Alexander

Art Unit

1761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6, 11-14 and 17-24 is/are pending in the application.
- 4a) Of the above claim(s) 17-20 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21 and 22 is/are allowed.
- 6) ☒ Claim(s) 1, 4-6, 11, 13, 14, 23 and 24 is/are rejected.
- 7) ☒ Claim(s) 2, 3 and 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cortese in view of English.

There is disclosed in Cortese a coffee machine comprising: a water tank 2, connected to a pump 4 for pumping water to a heating element 24 which is connected to a brewing head 16 in which a cartridge of coffee 29 is brewed, a movable closure 15 with a mechanism 14 for moving the closure from an open position to a closed position and vice versa, and a coffee dispensing pipe 56 associated with the closure. In so much as the claim defines a sliding jaw system, the piston arrangement disclosed in Cortese is readable thereon.

English discloses a coffee machine which operates from a low voltage power supply (car battery), the machine comprising, a controller 60 for operating a low heating element 52 when a beverage is to be dispensed and stops heating when a required temperature is reached and for switching off the heating element, the heating element configured to retain an amount of water sufficient to dispense a single beverage.

It would have been obvious to one skilled in the art substitute the controller of Cortese with the controller disclosed in English, in order to conserve energy during its use.

Claims 5, 6, 11, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cortese in view of English as applied to claims above, and further in view of Hurley.

Hurley discloses a coffee machine for use in an automobile, the machine having storage compartments 100, 102, 104 for storing items important to the brewing process; and a receptacle (recess) 92 for supporting drinking cups below a brewing head.

It would have been obvious to one skilled in the art to provide the device of Cortese, as modified by English, with the storage compartments and recess disclosed in Hurley, in order to store and have available items for brewing and to support a cup for reception of a brewed beverage.

The operation of the heater in response to pump operation is intended use and provides no structural limitations to the claims.

Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nello in view of Hurley.

There is disclosed in Nello a coffee machine comprising: a water tank 12 connected to a pump 14 for pumping water to a heating element 17 which is itself connected to a brewing head 5 in which a cartridge of coffee 36 is brewed, a moveable closure 6 with a mechanism 8 for moving the closure from an open position to a closed position and vice versa, a coffee dispensing pipe 7 on the closure, a ring 32 to allow

manual ejection of the used cartridges, and a receptacle upon which stacked containers can be held directly below the outlet.

Hurley discloses a coffee machine for use in an automobile, the machine having storage compartments 100, 102, 104 for storing items important to the brewing process; and a receptacle (recess) 92 for supporting drinking cups below a brewing head.

It would have been obvious to one skilled in the art to provide the device of Cortese with the storage compartments and recess disclosed in Hurley, in order to store and have available items for brewing and to support a cup for reception of a brewed beverage.

The operation of the heater in response to pump operation is intended use and provides no structural limitations to the claims.

#### ***Allowable Subject Matter***

Claims 21 and 22 are allowed.

Claims 2, 3 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reginald L. Alexander whose telephone number is 571-272-1395. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on 571-272-1398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

rla  
03 July 2006

  
Reginald L. Alexander  
Primary Examiner  
Art Unit 1761